

PLANNING & ZONING COMMISSION MINUTES
May 10, 2016 - 6:00 p.m.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Chair Bob Kinzel, Commissioners Steve Lund, Howie Oswald, Gwen Carleton, Bob Ryan and Council Liaison Steve Barrows

MEMBERS ABSENT: None

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS PRESENT: Patrick Sundberg, Jon Pope, Chris Moe, Matthew Anderson, Daryl Olson, Chuck Marhon and Renee Richardson

APPROVAL OF MINUTES

MOTION by Commissioner Carlton, seconded by Commissioner Oswald to approve the minutes from the April 12, 2016 meeting as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
May 17, 2016 if not tabled, continued or otherwise noted.*

Chair Kinzel stated that this Commission is advisory and the final approval/denial is given at the City Council Meeting on May 17, 2016 at 7:00 pm.

OLD BUSINESS

None

NEW BUSINESS

1. PUBLIC HEARING. Zoning Text Amendment to allow a "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial zoning district (City file 16-10)

Requested by: Patrick Sundberg (Jack Pine Brewery) 7942 College Rd. Ste. 115 Baxter, MN 56425

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty stated that the first item is a zoning text amendment to allow a "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial zoning district. Jack Pine Brewery is currently in the Industrial zone however they wish to move into a C-2 district and build a new building. CD Director Doty explained the difference between Industrial and Commercial districts. The research done for this text amendment showed support in other cities for a brewery tap house/brewery to be placed in the C-2 district as a permitted use and as a conditional use. CD Director Doty explained trucking and odor concerns with the Commission. He did note that the applicant has explained the process for dealing with

the odor issue. CD Director Doty reminded the Commission that this zoning text amendment will open the doors for other tap houses/brewery locations to be in the C-2 district.

CD Director Doty stated that staff is recommending approval of this application. Chair Kinzel asked if staff is comfortable with the trucking situation. CD Director Doty stated that this isn't going to turn into a beer distribution, as that would require an additional approval.

Chair Kinzel opened the public hearing.

Mr. Patrick Sundberg, the applicant stated that they have outgrown their current location and need to move into a bigger location. Over the past three years they have found the tap house has really taken off and he needs to expand to have more retail space. Mr. Sundberg stated that he was the first brewery to open in Baxter and now there are four total in the lakes area and tourists are now taking brewery tours much like a vineyard tour. Commissioner Carleton asked if there was any food planned for the tap house, Mr. Sundberg indicated that there is not food available, however, he is interested in having a food truck be allowed on the future site. He further clarified that he is running three businesses and doesn't have time for a fourth business that would sell food. Chair Kinzel asked if Mr. Sundberg had any concerns regarding the conditions, he did not.

Chair Kinzel closed the public hearing.

Motion by Commissioner Carleton, second by Commissioner Ryan to recommend the City Council approve the Zoning Text Amendment to allow a "Brewery Taproom" and "Brewery" as a permitted use in the C-2, Regional Commercial zoning district as presented in the resolution by staff. Commissioner Lund asked for discussion prior to the vote.

Commissioner Lund asked CD Director Doty if essentially the applicant is just moving from Industrial to C-2 district and that the original conditions are following the new requested district. CD Director Doty stated that the Industrial regulations will stay with the Industrial zone and the conditions in the staff report are for the C-2 zoning district conditions; the conditions in the Industrial district are not being carried over to the C-2 district. Commissioner Lund asked how the parking would be calculated, CD Director Doty stated that the parking regulations are in place for restaurant and bar locations and that would be a similar use. Commissioner Lund asked how the parking would be split for the "industrial type use" of manufacturing and the retail aspect of the tap house. CD Director Doty stated that a parking amendment could be done in the parking ordinance specifically for tap house and brewery. He did remind the Commission that the parking ordinance is not being requested at this point. CD Director Doty explained the parking regulations to the Commission for clarification. Commissioner Lund asked about ARC review. CD Director Doty stated that a new building would go in front of the ARC Commission and if they were going into an existing building, that building could possibly already been reviewed by the ARC Commission.

Mr. Sundberg approached and stated that the goal is to move and have a bigger taproom and more parking in the C-2 district. CD Director Doty stated that staff is comfortable with the parking regulations.

Motion carried unanimously.

2. PUBLIC HEARING. Preliminary and final plat named "Elmwood Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new

multi-tenant retail development for property located at the Southeast corner of Elder Drive and Forthun Road. PT OF SE1/4 OF NE1/4 & PT NE1/4 OF SE1/4 (full legal available at City Hall) Section 7, Township 133, Range 28 (City file 16-11)

Requested by: HJ Development, LLP 15600 Wayzata Blvd. Suite 201 Wayzata, MN 55391

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the applicant is requesting a Preliminary and final plat named "Elmwood Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southeast corner of Elder Drive and Forthun Road. The plan provided shows an 89,179 square foot new building. CD Director Doty reviewed the staff report including screening, landscaping, elevations, easement required by the Utilities Commission, signage, ARC review, park dedication fees, traffic study was completed, additional 10' of right of way for turn lanes and access. CD Director Doty explained the PUD flexibility that is allowed for this approval. He showed the location of the sidewalks and trails for a path of foot travel.

CD Director Doty stated that staff has a concern with the screening of the loading docks. The applicant is proposing to partially screen with trees and a partial retaining wall. Staff is requiring full screening as others have had to do along main road ways.

CD Director Doty stated that signage is another item of concern. The applicant is asking for (2) 400 square foot pylon signs (800 square feet over all) and the regulations allow up to (1) 200 square feet of pylon signage. Staff is comfortable with the PUD flexibility to allow (2) 200 square feet pylons and the condition is in the draft resolution.

CD Director Doty reviewed the landscaping and parking island requirements with the Commission, explaining that a few of the trees they are proposing do not match the regulations and additional trees are needed to Elmwood Drive and in the parking islands.

CD Director Doty stated that staff is recommending approval of this application. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing.

Mr. Chris Moe and Mr. Matthew Anderson, the applicants, approached. Chair Kinzel asked him to explain the landscaping issues. Mr. Moe stated that they feel they are meeting the screening per the code, just not with a wing wall. Mr. Anderson stated that they are using berms that are 3-4' tall and 10' tall trees to screen the loading docks. Mr. Anderson provided an animated computer picture of the proposed screening. CD Director Doty stated that the landscaping plan that they are showing is a revision that was not in the packet and they have updated the plan. Commissioner Ryan stated that this should not be considered landscaping, it is truly screening. He indicated that the only loading dock not screened would be the TJ Maxx dock if they do two layers of trees and the berm. Commissioner Lund asked if the revised plan includes the additional 10 feet of right-of-way (ROW) taken out and if so, is there actually enough room to fit a four foot berm with a double-row of trees on it. Mr. Moe indicated that the extra ROW was considered in the revised plan and that there is enough space. Lund further asked if there is irrigation that is going to be installed to keep the plantings alive. Mr. Anderson addressed the berm location and stated that in some areas it would be a 3' berm, other areas could be 4-6' high. Mr. Moe stated that typically they do not install irrigation, because they typically do not require irrigation, they replace them as they die.

Chair Kinzel stated that he has been on this Commission long enough to know that it takes a few years for trees to root fully and irrigation is needed. Commissioner Lund stated that all of the other buildings in that area have irrigation. Mr. Moe stated that they are willing to install the irrigation as a compromise for the lack of wing wall screening.

Chair Kinzel asked for the applicant to explain the need for signage above and beyond the sign regulations. Mr. Moe explained that his tenants are requesting the signage to be 200 square feet for each tenant. He explained that they have a concern with the lack of flexibility regarding the signage. CD Director Doty stated that currently, staff is comfortable with doubling the allowed amount of signage with a PUD. Commissioner Lund asked to discuss Home Depot and the Arby's PUD signage. CD Director Doty stated that Home Depot was the reason for the regulations being tightened.

Chair Kinzel asked Mr. Moe if everything else discussed was OK and they agreed to the remaining conditions. Mr. Moe stated that the remaining items/conditions were of no concern.

Commissioner Carleton stated that she was concerned that the traffic study did not include Elder Drive and Highway 210 as that was a very busy area already without the additional traffic from this proposed development being added to it. She was concerned that there may be some major accidents in that location. CD Director Doty stated that the area in question was not discussed.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend the City Council approve the preliminary and final plat named "Elmwood Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southeast corner of Elder Drive and Forthun Road as presented by staff with the berm up to 3-5', two rows of trees, irrigation and signage as presented in the draft resolution. Commissioner Ryan asked for discussion.

Commissioner Ryan asked that if this was four separate lots, would they be allowed to have 200 sq. ft. per site, up to 800 sq. ft. for total signage. CD Director Doty stated that having double signage on one sign is going to look very large and there is not another sign in Baxter that large.

The Commission held extensive conversation regarding different possibilities. Commissioner Ryan asked for middle ground regarding the amount of signage allowed.

Amended Motion by Commissioner Lund, second by Commissioner Carleton to recommend the City Council approve the preliminary and final plat named "Elmwood Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southeast corner of Elder Drive and Forthun Road as presented by staff with the berm up to 3-5', two rows of trees, irrigation and (2) 300 sq. ft. pylon signs to be draft into the resolution. Motion carried unanimously.

3. PUBLIC HEARING. Preliminary and final plat named "Central Lakes Third Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southwest corner of State Highway 371 and Glory Road. Outlot A of Central Lakes Crossing Section 7, Township 133, Range 28 (City file 16-12)

Requested by: HJ Development, LLP 15600 Wayzata Blvd. Suite 201 Wayzata, MN 55391

Chair Kinzel asked CD Director Doty to review the application with the Commission. CD Director Doty explained that the applicant is requesting a preliminary and final plat named "Central Lakes Third Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southwest corner of State Highway 371 and Glory Road. CD Director Doty directed the Commission to the site location on an aerial and the features of the lot. CD Director Doty reviewed the staff report including screening, landscaping, elevations, easement requirement and developers agreement by the Utilities Commission, signage, ARC review, park dedication fees, trail connections, a traffic study was completed and access. CD Director Doty stated that an additional 10' of right of way for a future dual left turn lane, which would require the parking and building would need to be shifted 10'. He further stated that the ordinance requires 35 feet of front setback, however with the PUD flexibility a 10 foot front setback would be supported by staff. He showed the location of the sidewalks and trails for a path of foot travel.

CD Director Doty stated that this application for freestanding signage is also over the allowed amount. The applicant shows a six panel sign, however at this time there are only four tenants proposed. The applicant is requesting 248 sq. ft. of signage and staff will support 200 sq. ft., with the understanding that when the second phase is built the PUD will be amended and at that time additional signage can be added.

CD Director Doty stated that staff is recommending approval of this application with the conditions in the draft resolution. Chair Kinzel recapped the approval request.

Chair Kinzel opened the public hearing.

Mr. Moe applicant, stated that moving the building 10 feet would place the building within the view corridor of Wal-Mart which is in place by an easement. They would have to reduce the size or eliminate a tenant space, they are not willing to reduce the size as they are already working with tenants that are expecting that size. Mr. Anderson is now trying to move the building to the west and south so the view corridor remains intact and the size stays the same. Mr. Moe stated that the one element that they are really excited about is the pond eliminate and if the building is moved the building will be moved further away from the pond. Mr. Anderson stated that their staff is currently looking at how they can remedy the site.

Mr. Moe stated that regarding the signage they are OK with the 200 sq. ft. pylon at this time, and will cross the bridge of adding additional signage at the time the development has phase two built.

Chair Kinzel closed the public hearing.

Motion by Commissioner Lund, second by Commissioner Oswald to recommend the City Council approve the preliminary and final plat named "Central Lakes Third Addition", Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for a new multi-tenant retail development for property located at the Southwest corner of State Highway 371 and Glory Road as presented by staff. Motion carried unanimously.

- 4. PUBLIC HEARING. Zoning Ordinance Text Amendments throughout Title 10 of the Baxter City Code. Amendments are being proposed to update to the City’s Zoning Ordinance. (City File 16-14)

Requested by: City of Baxter 13190 Memory wood Dr. Baxter, MN 56425

Chair Kinzel asked Planner Gindele to review the zoning text amendment with the Commission. Planner Gindele reviewed the following zoning text amendment:

- Chapter 1, Section 3D**, Rules, Scope And Interpretation: Rules
- Chapter 2, Section 2**, General Definitions
- Chapter 3, Articles A, B and D-I, Section 5A** Lot Area, Height, Lot Width and Yard Requirements: Area Requirements
- Chapter 3, Article C, Section 5B** Lot Area, Height, Lot Width and Yard Requirements: Area Requirements
- Chapter 4, Section 7B**, Storage Standards: Nonresidential Zoning Districts
- Chapter 4, Section 8A**, Screening/Landscaping/Fencing: Screening
- Chapter 4, Section 8D**, Screening/Landscaping/Fencing: Landscaping
- Chapter 4, Section 10E**, Architectural Design Standards: Allowable Materials By Zoning District
- Chapter 4, Section 10F**, Architectural Design Standards: Other Materials
- Chapter 5, Section 1F**, Signs: Signs Permitted In OS, I, C1 And C2 Districts
- Chapter 5, Section 4D**, Lighting Standards: General Performance Standards
- Chapter 5, Section 4E**, Lighting Standards: Lights Mounted On Poles
- Chapter 5, Section 5A**, Drive-through Businesses: Where Allowed, Drive-through Businesses Shall Comply With The Following
- Chapter 5, Section 8A**, Motor Fuel Stations: Site Requirements
- Chapter 5, Section 9A**, Accessory Structures: Requirements

Chair Kinzel opened the public hearing, no one came forward to speak. Chair Kinzel closed the public hearing.

Motion by Commissioner Ryan, second by Commissioner Oswald to recommend the City Council approve the Zoning Text Amendment throughout Title 10 of the Baxter City Code. Amendments are being proposed to update to the City’s Zoning Ordinance. Motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

MOTION by Commissioner Lund, seconded by Commissioner Oswald to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Chair Bob Kinzel

Shanna Newman CD Administrative Assistant